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Subject: Scranton Times-Tribune (11-8) Hearing board judge reinstates Dimock family's appeal of methane fix

Hearing board judge reinstates Dimock family's appeal of methane fix

By Laura Legere (Staff Writer)

A state judge has allowed a Dimock Twp. man to resume his challenge to the methane contamination remedy designed by state regulators and a natural gas drilling company after his family's appeal was withdrawn without his consent.

Environmental Hearing Board Judge Bernard A. Labuskes Jr. issued an order Wednesday reopening and reinstating the appeal by Scott Ely, whose water well is one of 18 the state found tainted by methane related to Cabot Oil & Gas Corp.'s drilling operations in 2009.

Eleven families initially appealed the terms of a December 2010 consent order between the company and the state, saying the offered remedies - methane-removal systems and payments of between \$50,000 and \$350,000 to the affected homeowners - did not meet the legal standard for permanently restoring or replacing their damaged water supplies.

Nine families withdrew their appeals in October after they settled a related federal lawsuit they had brought against Cabot. An attorney for the remaining families, Mr. Ely and Ray and Victoria Hubert, withdrew their appeals on their behalf, saying in a later filing that because the families recently accepted the consent order payments he believed they had nothing left to appeal.

Judge Labuskes, who last year urged the families to take the money and treatment systems while their appeals were pending, reopened the case on Wednesday after Mr. Ely and the Huberts wrote that their appeals were withdrawn without their consent. The order did not address the status of the Huberts' appeal.

Mr. Ely said the judge's action was "what we wanted."

"We waited so long for this appeal and to have everything heard," he said, "and it was so discouraging to hear they just up and dropped it."

Mr. Ely, Cabot and the Department of Environmental Protection have until Friday, Nov. 30, to propose a case management order for the appeal.

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